

Exhibit 11

KRYSTAL MOODY - December 10, 2024

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

KAREN LESTER,)	
)	
)	
Plaintiff,)	
)	
V.)	Case No. 2:23-cv-00624
)	
)	
WILEY COLLEGE,)	
)	
)	
Respondents.)	
_____)	(JURY DEMANDED)

ZOOM VIDEOTAPED DEPOSITION OF KRYSTAL MOODY
Tuesday, December 10th, 2024

A P P E A R A N C E S

For the Plaintiff:
MR. MICHAEL PATRICK DOYLE
DOYLE DENNIS AVERY, L.L.P.
3401 Allen Parkway, Suite 100
Houston, Texas 77019
Phone: (713)571-1148
Email: service@doylelawfirm.com

For the Defendant:

MS. AVVENNETT GEZAHAN
Jackson Lewis, LLP
500 N. Akard, Suite 2500
Dallas, Texas 75201

Reported by: Janice J. Broussard, CSR, RPR

WWW.MILLER-REPORTING.COM - 713-581-7799/877-721-6416
Email: Depositions@Miller-Reporting.Com

KRYSTAL MOODY - December 10, 2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS FOR THE PEOPLE: PAGE

KRYSTAL MOODY

Direct Examination by MR. DOYLE..... 4

Cross-Examination by MS. GEZAHAN..... 43

Redirect Examination by MR. DOYLE..... 49

KRYSTAL MOODY - December 10, 2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X (continued)

E X H I B I T S

Description

Exhibit 1	Page 23
(Letter)	
Exhibit 3	Page 31
(Note)	
Exhibit 6	Page 41
(Civility policy)	

KRYSTAL MOODY - December 10, 2024

1 THE VIDEOGRAPHER: All right. Today is
2 Tuesday December 10th, 2024. We're on the record at
3 1:38 p.m.

4 KRYSTAL MOODY,
5 Called as a witness on behalf of the Plaintiff
6 herein, after having been first duly sworn,
7 testified as follows:

8 THE WITNESS: I do.

9 DIRECT EXAMINATION

10 BY MR. DOYLE:

11 Q. Tell us your name please, ma'am.

12 A. Krystal Moody.

13 Q. Ms. Moody, not just because there's a big old W
14 behind you, but I'm going to take a guess that you're
15 employed by Wiley still?

16 A. I am.

17 Q. And your position is in the office of human
18 resources?

19 A. Yes, sir.

20 Q. How long have you been doing that at Wiley?

21 A. I've been in human resources for 13 years at
22 Wiley.

23 Q. And have you been the manager in that department
24 for about how long?

25 A. 11 years.

KRYSTAL MOODY - December 10, 2024

1 look again. I would have to see. But I don't think it
2 had -- I don't think the e-mail from Dr. Johnson stated
3 Second Chance failed.

4 Q. So I want to show you what's been marked as
5 Plaintiffs Exhibit 1. Do you recognize it as a letter
6 provided to Ms. Lester March 1st, 2023, at the time of
7 her firing?

8 A. Yes, sir.

9 Q. And at least signed by the president and CEO of
10 Wiley college, Dr. Herman Felton, Jr. It says, decided
11 to move in another direction?

12 A. Correct.

13 Q. Nothing about ending of the Second Chance Pell
14 Program?

15 A. Correct.

16 Q. And it's your recollection that even the memo
17 written that you saw about the firing, didn't have a
18 mention at all about termination of the Pell grant
19 program?

20 A. At this moment I don't recall it saying that.

21 Q. Would it be most apt to say, moving in another
22 direction is not the most honest and truthful reason
23 for Ms. Lester being fired?

24 A. Well, it was because the program was ending, so
25 we did have to go in another direction.

KRYSTAL MOODY - December 10, 2024

1 potentially criminal misconduct, or at least a
2 violation of federal law, in that program?

3 A. I'm sorry. You said, report to me?

4 Q. Did you ever receive a report from Ms. Lester
5 about her reporting concerns to the college about the
6 handling of the Second Chance Pell grant monies?

7 A. No. I don't recall being informed that she had
8 reported it -- the mishandling of funds, no.

9 Q. Ever?

10 A. Not that I can recall, no, never.

11 Q. I want to show you what's been marked as
12 Plaintiffs Exhibit 3. It's on the bottom. It's a note
13 from Ms. Lester. There's a 306 Lester on the bottom,
14 307 Lester on the bottom of the second page, 308 Lester
15 the third page.

16 A. Uh-huh.

17 Q. Did you receive a copy of this document at some
18 point in time addressed to you from Ms. Lester?

19 A. I honestly don't recall this document.

20 Q. Do you recall receiving in writing from
21 Ms. Lester information about a report to Tashia
22 Bradley, Chief Operating Officer, of the
23 misappropriation of funds on the Second Chance Federal
24 Program?

25 A. I don't recall her informing me, Ms. Lester.

KRYSTAL MOODY - December 10, 2024

1 THE VIDEOGRAPHER: All right. We are off
2 the record at 2:40 p.m.

3 (Whereupon, a short break was taken.)

4 THE VIDEOGRAPHER: We are back on the
5 record at 2:51 p.m.

6 Q. (By Mr. Doyle) Ms. Moody, I put a document
7 marked as Plaintiff's Exhibit No. 6 -- a very small
8 marking. The Wiley workplace civility policy, do you
9 recognize it?

10 A. Yes, sir, I do.

11 Q. What is the Wiley workplace civility policy?

12 A. Basically, this policy is informing employees of
13 the institution's expectations of being civil, like no
14 mistreatment of fellow employees or students.

15 Q. Did you receive from Ms. Lester, before she was
16 fired, reports of incivility by Dr. Johnson?

17 A. Yes.

18 Q. Did you take any action to resolve that?

19 A. We did the meeting between the four of us, me,
20 Ms. Lester, Dr. Johnson, and Dr. Gibson.

21 Q. You said had the meeting; is that it?

22 A. We had a meeting to discuss the things that she
23 had disclosed that Dr. Johnson was doing. And in that
24 meeting he, in the end, agreed that his behavior could
25 come across as inappropriate and he apologized.

KRYSTAL MOODY - December 10, 2024

1 Q. Now, at least in writing the rule says,
2 procedure of violation of this policy will result in
3 immediate termination?

4 A. Yes, sir.

5 Q. Is that what happened to Dr. Johnson?

6 A. No, sir.

7 Q. Was the policy filed in the case of Dr. Johnson
8 when he admitted acting inappropriately?

9 A. I'm sorry. Say that again?

10 Q. Was the written policy of that incivility
11 followed even after Dr. Johnson admitted acting
12 inappropriately?

13 A. Not the action, no, sir.

14 Q. Any excuse?

15 A. Just the fact that he apologized, Ms. Lester
16 accepted, and we monitored the behavior from that point
17 on.

18 Q. Now, within a fairly short time after being --
19 admitting violating the policy, making an apology, who
20 was the manager that recommended firing Ms. Lester?

21 A. Dr. Johnson.

22 Q. Is that a problem?

23 A. No, because it wasn't directly after that. That
24 was almost a whole year later.

25 Q. Should an employee ever be fired for reporting

KRYSTAL MOODY - December 10, 2024

1 When did Ms. Lester send you an e-mail with her
2 concerns about Dr. Johnson?

3 A. In 2022, March or April some time.

4 Q. Okay. And you had previously stated that that
5 wasn't -- strike that question. Was that a formal
6 grievance that she was filing?

7 A. No.

8 Q. And why wasn't her concerns seen as a formal
9 grievance?

10 A. She stated in a document that she was making HR
11 aware of the behaviors, so when I inquired about it,
12 and since she wasn't filing a formal complaint, there
13 was no formal investigation done.

14 Q. And when you said "inquire," who did you inquire
15 about, those concerns with?

16 A. Well, the concerns -- well, originally --
17 initially she and I spoke, Ms. Lester and I spoke. But
18 then indirectly without disclosing what she had
19 provided to HR, I did contact Dr. Gibson to just in
20 general find out about his areas, and then I would
21 bring that particular division -- that particular
22 department up.

23 Q. Okay. And at some point Ms. Lester did want to
24 move forward with a formal grievance?

25 A. Correct.

KRYSTAL MOODY - December 10, 2024

1 Q. And regarding -- I think you froze. Can you
2 restate that?

3 A. We discussed the behavior that she had stated
4 that she was experiencing from Dr. Johnson that she had
5 provided in the first document to HR; and we also
6 talked about the e-mail that he sent from her computer.

7 Q. Okay. And what behavioral issues did she have
8 concerns about with Dr. Johnson?

9 A. The way he would talk to her, raising his voice.
10 She stated that he had cursed at her. So things of
11 that nature, just creating a hostile work environment.

12 Q. Did he admit to cursing at her?

13 A. No, he did not.

14 Q. What did he say about the cursing?

15 A. He said he did not curse at her, but that he
16 does -- his voice can get elevated, is what he said,
17 and that he was not trying to holler at her.

18 Q. Okay. And what was the end result of that
19 meeting?

20 A. He apologized for his behavior, and she
21 accepted. And at the end she said she would be willing
22 to put the grievance on hold, considering that we would
23 be monitoring his behavior.

24 Q. Okay. And from that time frame in 2022 to her
25 termination in March 1st, 2023, did you receive any

KRYSTAL MOODY - December 10, 2024

1 other complaints from Ms. Lester regarding

2 Dr. Johnson's behavior?

3 A. No, ma'am.

4 Q. Did -- at any time, did Ms. Lester tell you

5 about her concerns with the Second Chance Pell Program?

6 A. Not that I can recall.

7 Q. Okay. Now, there has been some conversation

8 about the write-up for her termination. Who started

9 the write-up for her termination?

10 A. Dr. Johnson.

11 Q. Okay. Was Dr. Johnson the final decision-maker

12 in her termination?

13 A. No.

14 Q. Okay. Who next had to approve what Dr. Johnson

15 had recommended for termination?

16 A. His supervisor, which is Dr. Cox.

17 Q. Okay. And what was Dr. Cox's recommendation?

18 A. She approved and forwarded it to Dr. Gibson.

19 Q. Okay. And then once Dr. Gibson received the

20 recommendation and then the approval from Dr. Cox, what

21 was his recommendation?

22 A. So he and I never got to that point before he

23 left. He left the documentation -- I believe he left

24 it in the office. And with Dr. Scales, once she became

25 in charge, that's when it was processed.

KRYSTAL MOODY - December 10, 2024

1 Q. Okay. And, Dr. Scales, what was her
2 recommendation?

3 A. She approved it.

4 Q. Okay. Did anyone else have to approve
5 Ms. Lester's termination?

6 A. Yes.

7 Q. Who else had to approve her termination?

8 A. President Felton.

9 Q. And what was Dr. Felton's recommendation?

10 A. He approved it for me to process.

11 Q. And what was his approval for? What was the
12 reason for her termination based on Dr. Felton's final
13 decision?

14 A. Because of the Second Chance Pell ending.

15 Q. Okay. And I know we clearly said that the
16 termination letter does not state for that reason, why
17 was the language of "moving in a different direction"
18 used?

19 A. That is just the terminology that we use if
20 there's no violations of policies, things like that.

21 Q. Okay. Regarding the other programs that
22 Ms. Lester was a coordinator for, what were the other
23 two programs?

24 A. The organizational management program, and the
25 criminal justice administration program.

KRYSTAL MOODY - December 10, 2024

1 Q. Okay. And when she was terminated, who took
2 over those job responsibilities?

3 A. Dr. Johnson.

4 Q. Okay. And once Dr. Johnson was terminated, who
5 took over those responsibilities?

6 A. Immediately, probably Dr. Scales, because she
7 was the next -- well, let me take that back. Dr. Cox
8 was still there so she would have been overseeing it.

9 Q. Okay. And with Dr. Johnson's termination, did
10 it go through a similar process as Ms. Lester's?

11 A. Yes.

12 Q. And who recommended his termination?

13 A. I believe Dr. Scales recommended his.

14 Q. Okay. And then who approved that one?

15 A. Dr. Felton.

16 Q. Okay.

17 MS. GEZAHAN: That is all of the
18 questions that I have for you.

19 MR. DOYLE: I have some follow-up
20 questions. Are you ready, ma'am?

21 THE WITNESS: Yes, sir.

22 REDIRECT EXAMINATION

23 BY MR. DOYLE:

24 Q. When you dealt with Ms. Lester at any point,
25 whether in raising the concerns about Dr. Johnson's

KRYSTAL MOODY - December 10, 2024

REPORTER'S CERTIFICATE

The transcript in the above-captioned case was produced from my stenographic notes taken in my capacity as Registered Professional Reporter, County of El Paso, State of Colorado, at the time and place above set forth.

Dated at Colorado Springs, Colorado, this 19th day of February 2025.

/S/ Janice Broussard

Janice Broussard, RPR